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BEFORE THE
ILLINOIS COMMERCE COMMISSION

AMEREN TRANSMISSION COMPANY)	
OF ILLINOIS)	
Verified Petition for an Order)	DOCKET NO.
pursuant to Section 8-509 of)	15-0437
the Public Utilities Act)	
Authorizing Use of Eminent)	
Domain Power.)	

Springfield, Illinois
Monday, August 10, 2015

Met, pursuant to notice at 9:00 a.m.

BEFORE:
Stephen Yoder, Administrative Law Judge

MIDWEST LITIGATION SERVICES, by
Angela C. Turner
CSR #084-004122

1 APPEARANCES:

2 Eric Dearmont
3 Ameren Services Company
4 1901 Chouteau Ave.
5 PO Box 66149, MC 1310
6 St. Louis, Missouri 63103
7 (Appearing on behalf of Ameren Transmission
8 Company of Illinois.)

9 Kelly Turner & John Sagone
10 Office of General Counsel
11 Illinois Commerce Commission
12 160 N. LaSalle St., Suite C-800
13 Chicago, Illinois 60601
14 (Appearing on behalf of Staff of the
15 Illinois Commerce Commission by phone.)

16

17 LANDOWNERS PRESENT:

18 John Smith
19 Kim Smith
20 John McTaggart
21 Lynn McTaggart
22 Eric McDonald

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1		I N D E X	
2	WITNESS		PAGE
3	(None.)		
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10		EXHIBITS	
11	(None.)		
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1 PROCEEDINGS

2 JUDGE YODER: By the authority vested in me
3 by the Illinois Commerce Commission, I will now call
4 Docket 15-0437. It's a petition filed by Ameren
5 Transmission Company of Illinois seeking an Order
6 pursuant to Section 8-509 of the Public Utilities Act
7 authorizing use of eminent domain power.

8 May I have the appearances for the record,
9 please?

10 MR. DEARMONT: Good morning. Eric Dearmont
11 on behalf of Ameren Transmission Company of Illinois.
12 My business address is 1901 Chouteau Avenue, St.
13 Louis, Missouri, 63103.

14 MS. TURNER: Good morning. On behalf of the
15 Staff witnesses of the Illinois Commerce Commission,
16 Kelly A. Turner and John Sagone, 160 North LaSalle
17 Street, Suite C-800, Chicago, Illinois, 60601.

18 JUDGE YODER: All right. We have some
19 interested landowners. You can enter your appearance
20 at this time. You don't have to. And we'll have an
21 opportunity for questions at the end. I will just
22 have a discussion about the basic procedures here at
23 the ICC on one of these policies. Nobody has, as
24 yet, filed a formal petition to intervene in this

1 docket. Which you can do. We'll kind of go over the
2 process for that. So if you change your mind, say
3 you want to intervene later, you can do that.

4 Just so I will go over the process. This is
5 a 45-day case. And so we have got a deadline of
6 September 10th when the Commission has to make their
7 decision. So if nobody wants to formally enter their
8 appearance right now, I will just kind of discuss the
9 basic policies and procedures here at the Commission.

10 As I indicated, under this type of case, the
11 request for eminent domain authority, the statute
12 provides for 45 days from the filing of the petition
13 for the Commission to enter an Order. Which in this
14 instance is September 10th. As we have noted, the
15 parties discussed a schedule before going on the
16 record. We have here a prehearing conference. This
17 is when we'll set the schedule.

18 At this point, we're looking at Staff and
19 any Intervenors to file their direct testimony this
20 Thursday, August 13th. Ameren, which filed their
21 direct testimony with their petition, has the
22 opportunity to file rebuttal testimony, which they
23 would file next Tuesday, August 18th. We will then
24 have a hearing that Friday, August 21st. And as we

1 discussed, it would start at 9:00 a.m., possibly
2 break at 10:30 for another hearing, and then finish
3 that day.

4 At the conclusion of the hearing, parties
5 have an opportunity to file legal briefs. That's
6 where they take the facts of the case and apply them
7 to the law and argue their position in this
8 proceeding. As we noted, those would be filed on
9 August 25th. So two weeks from tomorrow.

10 And then a Proposed Order would be sent out
11 by me on Friday, August 28th. That is where I take
12 the parties' positions and the issues in this case,
13 make a decision or a recommended decision on each
14 issue, send that out for the parties to then file a
15 brief on exceptions. That's where they take
16 exception to any issues decided in a way they don't
17 like.

18 We do not have time for the parties to file
19 what we would normally call reply briefs to
20 exceptions. So following the brief on exceptions,
21 those would be incorporated into an Order to go to
22 the Commission, which would make its decision on
23 September 10th on whether or not Ameren would be
24 allowed the authority to use eminent domain power and

1 whether they would be allowed on all or any of the
2 parcels discussed in this petition.

3 Now, as indicated, there have not been any
4 formal petitions to intervene yet today or filed in
5 this proceeding yet. If any of you choose to
6 formally file a petition to intervene, there is a
7 form for that, a process. You have to file it with
8 our Clerk's office here at the Commission. If you
9 need a form, Mr. Dearmont may be able to provide you
10 one. The Clerk's office may also have a form. It's
11 just basically: I am an interested landowner. I
12 have an interest in this process. I want to
13 intervene. I take the record as it stands.

14 So you would have to formally file that,
15 serve that or file it with the clerk, serve it on
16 Mr. Dearmont and myself. And then you would be
17 expected to file any testimony that would be
18 required. You even have the opportunity to file
19 briefs if you wish.

20 MR. SMITH: What is the deadline on filing
21 those?

22 JUDGE YODER: There is no real deadline.
23 But as a practical matter, if you don't file it
24 before the hearing, you're not going to have an

1 opportunity to have much say in the case.

2 MR. SMITH: Right.

3 So if we want to file, we should do it right

4 away?

5 JUDGE YODER: You would have to do it within

6 the next couple of days to have a meaningful impact

7 on this proceeding.

8 MR. SMITH: Okay.

9 JUDGE YODER: So with that, I think I have

10 killed my notes on our process here.

11 Does anyone have any questions about the

12 process here at the Commission?

13 MR. SMITH: Who would have actually -- if

14 somebody does file to stop this and it goes to

15 eminent domain whatever, who would actually make the

16 final call on it? You?

17 JUDGE YODER: The final call on whether

18 Ameren would be allowed to use eminent domain?

19 MR. SMITH: Yeah.

20 JUDGE YODER: The Commission only grants

21 Ameren the authority so seek eminent domain taking.

22 And that process actually goes to your local court in

23 your county. So we grant them the authority to ask

24 for eminent domain. They can file -- say you're in

1 Morgan County or Scott County or Adams County, or
2 whatever. If they can't come to an agreement with
3 the landowner, Ameren then would have the authority
4 to file a petition with that local county court
5 seeking the eminent domain.

6 MR. DEARMONT: It's a two-step process.

7 MR. SMITH: So this is a hearing to actually
8 allow them to file the eminent domain?

9 MR. DEARMONT: That's fair.

10 MR. SMITH: Got ya.

11 JUDGE YODER: Any other questions?

12 MR. McDONALD: Did you guys file a 60-day
13 notice prior to this hearing that was to inform us
14 that you have intent of actually moving towards
15 eminent domain?

16 MS. SMITH: Yeah, because we didn't get
17 anything either.

18 MR. DEARMONT: What type of notice are you
19 referring to?

20 MR. McDONALD: Like a 60-day notice that you
21 had the intent, there was --

22 MR. DEARMONT: Like a good faith letter?

23 MR. McDONALD: Yeah, exactly.

24 MR. DEARMONT: So I think that we did or

1 should have sent out a notice prior to the filing of
2 this case. But then I think that requirement applies
3 again before we file in circuit court. So after this
4 proceeding is over, but before we file in circuit
5 court, you would get what's called another good faith
6 letter laying out our best --

7 MS. SMITH: We never got any good faith
8 letter.

9 MR. DEARMONT: Before we file in circuit
10 court.

11 JUDGE YODER: I think Mr. Dearmont said that
12 would be after. That's not part of the Commission's
13 process. That's a process before going in the local
14 court.

15 MR. DEARMONT: Before the second step.

16 JUDGE YODER: Right.

17 MR. SMITH: We have talked to three or four
18 different people that have come down to see us,
19 Ameren representatives. They have either moved on,
20 quit, or got fired. We haven't talked to anybody in
21 months.

22 MS. SMITH: Yeah. So where's everybody
23 been?

24 MR. DEARMONT: I don't know. But I am here.

1 I am glad to stay after we're off the record here and
2 have a chat with you guys.

3 MR. SMITH: We would like to find out
4 exactly who is representing our area.

5 MR. DEARMONT: The land agent?

6 MR. SMITH: Yeah.

7 MS. SMITH: Yeah.

8 MR. DEARMONT: Sure.

9 MR. SMITH: I think we have had four
10 different ones.

11 MR. DEARMONT: Yeah, we can talk about that.

12 JUDGE YODER: Does that answer anybody's
13 questions about the procedure here at the Commission?
14 (No comment.)

15 JUDGE YODER: Okay. We have one other
16 formal matter.

17 Ameren has filed a motion for entry of a
18 Protective Order.

19 Does Staff have any objection to the entry
20 of that Order?

21 MS. TURNER: No.

22 JUDGE YODER: All right. Then without
23 objection, we'll enter that Order.

24 We do have the formal schedule to enter. As

1 suggested, Ameren included in its petition a
2 suggested schedule, which appears as agreeable. So
3 with that schedule, we'll indicate that Staff and any
4 Intervenors will file their direct testimony by
5 August 13, 2015. Ameren would then file any rebuttal
6 testimony by August 18th. Evidentiary hearing is
7 hereby scheduled for August 21, 2015, to commence at
8 9:00 a.m., here at the offices of the Commission in
9 Springfield, Illinois. If necessary, as indicated,
10 there may be a conflict if we go past 10:30, and we
11 can address that then. We will address the filing of
12 briefs. It is intended at this point, those would be
13 August 25, 2015. As indicated, we have a final
14 deadline for Commission action of September 10, 2015.

15 With that, anything further from Ameren?

16 MR. DEARMONT: Ms. Turner, do we need to
17 talk about discovery timeframes? I believe, in the
18 past, we have done seven calendar through the filing
19 of Staff and Intervenor direct. And correct me if I
20 am wrong, but two business thereafter?

21 MS. TURNER: Yes, I believe that that is
22 correct. And I would also like to have the same
23 discovery schedule set in this case.

24 MR. DEARMONT: Very good.

1 JUDGE YODER: No objection from Ameren?

2 MR. DEARMONT: No objection, no.

3 JUDGE YODER: All right then. If nothing
4 further from Ameren, anything further from Staff
5 today?

6 MS. TURNER: No, your Honor. Thank you.

7 JUDGE YODER: Thank you.

8 (Matter continued to August 21,
9 2015, at 9:00 a.m.)

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CERTIFICATE OF REPORTER

I, Angela C. Turner, a Certified Shorthand
Reporter within and for the State of Illinois, do
hereby certify that the hearing aforementioned was
held on the time and in the place previously
described.

IN WITNESS WHEREOF, I have hereunto set my
hand and seal.

Angela C. Turner
IL CSR #084-004122